

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:14-cr-00244

DONALD L. BLANKENSHIP,

Defendant.

ORDER

The Court has reviewed *Defense Motion No. 18, Motion for Access to the Government's Grand Jury Instructions* (Document 109) and the *United States' Response to Defendant's Motion No. 18, Motion for Access to the Government's Grand Jury Instructions* (Document 132). The United States asserts that it "provided a transcript of the grand jury instructions in its Response to Defendant's Motion to Dismiss for Grand Jury Misconduct," and therefore, "Defendant's above-styled motion should . . . be denied as moot." (Document 132 at 1.)


The Court notes that the Defendant filed no reply to the response in opposition. Further, the Court has inspected materials that the United States provided to the Defendant as attachments to another responsive pleading (see Documents 168-1 and 168-2), and finds that the United States provided the requested grand jury instructions. Finally, the Court notes that the Defendant's Memorandum to the Court Concerning Pretrial Motions in Light of the Superseding Indictment (Document 188) makes no mention of the grand jury instructions or the relief requested in

Document 109. No reference to Defense Motion No. 18 appears in any of the three categories of motions that Defendant claimed were then outstanding.

Wherefore, after careful consideration, the Court **ORDERS** that *Defense Motion No. 18, Motion for Access to the Government's Grand Jury Instructions* (Document 109) be **TERMINATED AS MOOT**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: September 17, 2015


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA